

IN The DISTRICT COURT of The UNITED STATES
Middle District of Alabama

Billy Gay AINS
V

3:05-CV-1228-MEF

Gwendolyn Mosley

Petitioner's Appeal of magistrates
Clearly ERRONEOUS ORDER (doc 50)

INTo this Court come Billy AINS (AINS) by And thru
himself And does now APPEAL the CLEARLY ERRONEOUS
ORDER by MAGISTRATE WALKER (doc 50) where in she
AGAIN does IGNORE CLEARLY ESTABLISHED FEDERAL
LAW + Statutes 28 USC § 2249 William-V-TAYLOR
359 US 362

ON APPLICATION FOR WRIT OF HABEAS CORPUS to
INQUIRE into detention of ANY PERSON to A
Judgment of A COURT of the UNITED STATES,
The Respondants SHALL PROMPTLY file
with the Court Certified Copies of The
Indictment Plea of Petitioner's And the
Judgment or such of there AS may be material
to the question IF Petitioner Fail to Attach
them to HIS petition AND SHALL ATTACH to the
Return to the writ OR to the Answer to show
CAUSE.

See HAMTON-V-WYRICK 588 F 2d 632, 592ed 2d 477
 ALSO BUNDY-V-WAINWRIGHT 808 F 2d 1410; TOWNSEND-V-SAIN 372 US 292, 9 Led 2d 770 "ALSO see 28 USC § 2254 Rule 5 governing HABEAS CORPUS Procedure";

Clearly The ERRONEOUS Action by WALKER is A GROSS Violation of The Clearly Establish Federal LAWS And Statutes. Plus AN Abundantly Clear Attempt to Aid And Abbet the Circuit Court of Randolph County And the Respondent to Keep AHS in Prison With out A Valid Showing of Probable CAUSE other THAN A BARE Bones Claim With out A Valid Showing of Documented Evidence that AHS has ever been indicted by A GRAND JURY Clearly Violating The Constitutions of both the United States And The state of ALABAMA in the 5th & 14th Amendment in the Due Process Right Clause; And Act 1 § 8 Al Const of Al. That [No person shall be tried or convicted of Any CAPITAL CRIME, With out being First indicted by the GRAND JURY]
 Clearly AS of this date the Circuit (TRIAL) Court of Randolph county (Judge RAY MARTIN) Refuses to submit A copy of The Alleged Indictment, To Any court see Exhibit Attached To AHS motion to Amend.

There Fore if The TRIAL Court is Allowed to defy the
Clearly Established Federal LAWS And Statutes AS
Well AS the U.S. And State Constitutional Right
Of AHS by And ThRU WALKER CLEARLY ERRORNEOUS
And Biased denial of AHS motion to Compel
Respondent to comply with the Clearly Established
Federal LAWS,

THAN How CAN this COURT CLAIM to be A COURT of
LAW.

See Smith -v- McCotter 786 F2d 697 the Failure to
 server AN indictment.

Clearly with A Review of the case Record Filed by
 Respondents. Attorney with this Court And ALSO
 With the Appellate Court of Alabama CR-c5-1953
 ALSO PURSUANT to the U.S. COURT of APPEAL 11th
 CIRCUIT with in Bundy SUPRA.

Let the Record SPEAK FOR it self AS to it substantiab
 value"

Clearly The Respondant have Failed To submit Any
VALID PROOF to Dispute AHS claim of Actual And
Factual Innocent Clearly The TRIAL Court Judge
RAY martin Flat REFUSAL to submit A copy of AN
indictment to the State Appellate Court! see
 Exhibit Attached to AHS motion to Amend is A
 VIOLation of both STATE And Federal LAW see

Peterson -v- STATE 842 SO 2d 735

Clearly the very fact that Respondent Failed (Refused) to come forth with documented PROOF that AHS WAS EVER indicted by the RANDOLPH County Grand JURY in 1990 Clearly uphold AHS CLAIM that this conviction is A GROSS miscarriage of Justice due to the CoERced PleA of Guilty to The Alleged CHARGE of CAPITAL murder "CC-90-07"

AHS Entered his PleA due to the Defense Attorney Tom Jones telling him that the State Planned to Convict him And Execute him,

AHS did Not Appeal due AGAIN to the threat of the death penalty made By Judge Segrest When he PRONounced Sentence.

AHS NOW APPEALS WALKER ERRONEOUS AND BIASED order to the Hon Judge Fuller. IN his SEARCH FOR Justice AHS ALSO HAS instituted AN INQUIRY by The 11th Circuit Executive Council is to WALKER Action herein.

Executed 4-9-07

CC Res Att.

CC File

Respect Fully Submitted
Billy Alls
 Billy AHS 161437 Praise



MONTGOMERY AL 361
09 APR 2007 PM 4 L

His 161437
D-1-18A

Billy Ails
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